

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TOWAKI KOMATSU,

Plaintiff,

-against-

URBAN PATHWAYS, INC., et al.,

Defendants.

22-CV-9080 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated January 26, 2023, the Court directed Plaintiff to file an amended complaint within sixty days. That order specified that failure to comply would result in dismissal of the complaint. On April 18, 2023, the Court issued an order addressing various filings submitted by Plaintiff, and two days later, on April 20, 2023, Plaintiff filed a notice of appeal. On August 15, 2023, the United States Court of Appeals for the Second Circuit, which had previously entered a leave-to-file sanction against Plaintiff, issued its mandate denying Plaintiff leave to file his appeal, finding that “the appeal d[id] not depart from [Plaintiff’s] ‘prior pattern of vexatious filings.’ [citation omitted].” (ECF 27, at 1.) Plaintiff has not filed an amended complaint, as directed in the Court’s January 26, 2023 order. Accordingly, the complaint, filed *in forma pauperis* under 28 U.S.C. § 1915(a)(1), is dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii).

**CONCLUSION**

Plaintiff’s complaint, filed *in forma pauperis* under 28 U.S.C. § 1915(a)(1), is dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment in this action.

SO ORDERED.

Dated: September 5, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge